



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held August 13, 2007, the Board took the following action:

1

William T Fujioka, Chief Executive Officer, and Dr. Bruce A. Chernof, Director of Health Services, reported on the Centers for Medicare and Medicaid Services' (CMS) findings relative to Martin Luther King, Jr.-Harbor Hospital, and presented for Board consideration, recommendations for actions related to the closure of the facility. Alan Wecker, Acting Chief Financial Officer, Department of Health Services, and Dr. Robert Shauner, Medical Director, Department of Mental Health, also responded to questions posed by the Board.

Congresswoman Maxine Waters, Los Angeles City Councilmembers Janice Hahn and Bernard C. Parks, Carson City Councilmember Mike Gipson, Assemblywoman Laura Richardson, Kathy Ochoa, Director of Strategic Initiatives for SEIU Local 721, and other interested persons addressed the Board.

After discussion, Supervisor Molina made the following statement:

"In response to the recent failure notification from the Centers for Medicare and Medicaid Services (CMS), the Department of Health Services (DHS) has closed Martin Luther King, Jr.-Harbor Hospital's (MLK-Harbor) emergency room and in-patient admission functions--necessary steps to ensure patient safety—while retaining critical Urgent Care and other outpatient clinic services.

"While a number of MLK-Harbor staff and contractors will remain to support the Urgent Care and outpatient clinics on site, a significant number of staff are expected to be transferred to appropriate positions in other County facilities.

"Despite repeated representations from DHS and MLK-Harbor management that the hospital's staff is the 'most trained and tested in the County,' the CMS letter of August 10 revealed significant staff failures involving patient supervision, infection control, and the capacity to calculate correct medication dosages to pediatric patients. Therefore, any plan to transfer staff to other facilities in the County must be approved by this Board prior to transfer. This Board must ensure that no employee who is demonstrating failure in competency for his or her classification be transferred to another facility."

(Continued on Page 2)

1 (Continued)

Therefore, Supervisor Molina made a motion that the Board take the following actions:

1. Instruct the Chief Executive Officer, in collaboration with the Directors of Health Services and Personnel, to determine the number and classifications of staff to be transferred from Martin Luther King, Jr.-Harbor Hospital (MLK-Harbor) to other facilities in the County by August 14, 2007. The determination of staff remaining at MLK-Harbor must be based on actual clinical need, be consistent with staffing patterns throughout the system, and, to the extent possible, reflect the demographic and linguistic realities of its patient population;
2. Instruct the Chief Executive Officer, in collaboration with the Directors of Health Services and Personnel to prepare a detailed plan in one week to assess the competency in their classification of all staff remaining at MLK-Harbor and those to be transferred to other County facilities. Evaluation and assessment to be completed by an independent body, determined by the CEO. This body should hold MLK-Harbor staff to the same competency level expected of all others in the system at each respective classification level. Any staff member not meeting the expected competency level will not be transferred until the standard is reached or a position is found commensurate with the employee's skill level;
3. Instruct the Chief Executive Officer, in collaboration with the Directors of Health Services and Personnel to ensure that the plan includes that appropriate resources for follow-up, monitoring and support is provided at the transferred employees' receiving institutions;
4. Direct the Chief Executive Officer, with the cooperation of the Director of Health Services (DHS), to assemble a separate negotiating team to oversee and negotiate a contract for a replacement operator for MLK-Harbor. By tomorrow the CEO in collaboration with DHS must identify all the ideal contractual elements for an operator for MLK-Harbor. A set of contract elements of an "ideal" contracting partnership should be presented to the Board in Closed Session tomorrow. A team designated by the CEO in conjunction with DHS should be established to implement a very tight timeframe to ensure the hospital's reopening within 12 months. Recruitment should be limited to three months. Negotiations and Conclusion of Contract should be limited to three months. Contractor should be limited to three months to recruit staff and prepare facility. Contractor should be limited to three months to train and prepare personnel; and

(Continued on Page 3)

1 (Continued)

5. Instruct the Director of Health Services to release the CMS Statement of Deficiencies on MLK-Harbor to the public. Additionally, a statement of mitigation should be prepared in order to schedule appropriate Beilenson Hearings.

Supervisors Yaroslavsky and Knabe made a suggestion that Recommendation No. 2 of Supervisor Molina's motion be amended to read as follows:

"Any staff member not meeting the expected competency level will not be transferred or retained until the standard is reached or a position is found commensurate with the employee's skill level..."

Supervisor Molina accepted Supervisors Yaroslavsky and Knabe's amendment.

Supervisor Burke made a suggestion that Recommendation No. 1 of Supervisor Molina's motion be amended to read as follows:

~~"...and, to the extent possible, reflect the demographic and linguistic realities of its patient population at any facility that provides a service to the community, have individuals who provide the service be able to communicate with the community its serving; ..."~~

Supervisor Molina accepted Supervisor Burke's amendment.

Supervisor Molina made an additional motion that the Director of Health Services' attached recommendations relating to the Director of Health Services' delegated authority be amended to delegate the authority to the Chief Executive Officer, in conjunction with the Director of Health Services.

Supervisor Yaroslavsky also requested the Director of Health Services' be prepared to discuss, in Closed Session at the Board meeting of August 14, 2007, the economics of the contracts listed in his attached report.

Supervisor Molina further requested the Director of Health Services to be prepared to discuss the agreement with California Emergency Physicians Medical Group, as listed in (c) of his attached report, and why it is necessary.

At the request of the Chief Executive Officer, Supervisor Molina amended Recommendation No. 4 of her motion to allow more flexibility in the timeframe of each element relating to recruitment, negotiations and conclusion of contract, as long as the total remains at one year for completion of all elements.

(Continued on Page 4)

1 (Continued)

On motion of Supervisor Yaroslavsky, seconded by Supervisor Antonovich, unanimously carried, the Board took the following actions:

1. Instructed the Chief Executive Officer, in collaboration with the Directors of Health Services and Personnel, determine the number and classifications of staff to be transferred from Martin Luther King, Jr.-Harbor Hospital (MLK-Harbor) to other facilities in the County by August 14, 2007. The determination of staff remaining at MLK-Harbor must be based on actual clinical need, be consistent with staffing patterns throughout the system, and, to the extent possible, at any facility that provides a service to the community, have individuals who provide the service be able to communicate with the community its serving;
2. Instructed the Chief Executive Officer, in collaboration with the Directors of Health Services and Personnel to prepare a detailed plan in one week to assess the competency in their classification of all staff remaining at MLK-Harbor and those to be transferred to other County facilities. Evaluation and assessment to be completed by an independent body, determined by the CEO. This body should hold MLK-Harbor staff to the same competency level expected of all others in the system at each respective classification level. Any staff member not meeting the expected competency level will not be transferred or retained until the standard is reached or a position is found commensurate with the employee's skill level;
3. Instructed the Chief Executive Officer, in collaboration with the Directors of Health Services and Personnel to ensure that the plan includes that appropriate resources for follow-up, monitoring and support is provided at the transferred employees' receiving institutions;
4. Directed the Chief Executive Officer, with the cooperation of the Director of Health Services (DHS), to assemble a separate negotiating team to oversee and negotiate a contract for a replacement operator for MLK-Harbor. By tomorrow the CEO in collaboration with DHS must identify all the ideal contractual elements for an operator for MLK-Harbor. A set of contract elements of an "ideal" contracting partnership should be presented to the Board in Closed Session tomorrow. A team designated by the CEO in conjunction with DHS should be established to implement a timeframe to ensure the hospital's reopening within 12 months including completing the elements of: Recruitment; Negotiations and Conclusion of Contract; Contractor to recruit staff and prepare facility; and Contractor to train and prepare personnel;

(Continued on Page 5)

1 (Continued)

5. Instructed the Director of Health Services to release the attached CMS Statement of Sufficiency on MLK-Harbor to the public. Additionally, a statement of mitigation should be prepared in order to schedule appropriate Beilenson Hearings;
6. Approved the Director of Health Services' attached recommendations outlining a plan to maintain health services at Martin Luther King, Jr.-Harbor Hospital, as amended to delegate authority to the Chief Executive Officer in collaboration with the Director of Health Services;
7. Instructed the Director of Health Services' to be prepared to discuss, in Closed Session at the Board meeting of August 14, 2007, the economics of the contracts listed in his attached report; and
8. Instructed the Director of Health Services to be prepared to discuss the agreement with California Emergency Physicians Medical Group, as listed in (c) of his attached report, and why the contract is still necessary.

06070813_1ag

Attachments

Copies distributed:

Each Supervisor
Chief Executive Officer
County Counsel
Director of Health Services